

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BOBBETTE M. BLAKE,)
)
)
Plaintiff,) 8:14CV317
)
)
v.)
)
MJ OPTICAL, INC., a Nebraska) **MEMORANDUM**
corporation,)
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Defendant.)
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On April 13, 2016, I granted summary judgment in favor of Defendant on Plaintiff's claims for gender discrimination, age discrimination, and hostile work environment based on gender and age. (Filings [24](#), [25](#).) On May 11, 2016, Plaintiff filed a motion (Filing [26](#)) for reconsideration of that judgment, arguing that it was "based on an erroneous application of the applicable law to the facts in the case." (Filing [27](#) at CM/ECF p. 1.)

"[T]he Federal Rules of Civil Procedure 'do not mention motions for reconsideration.'" *Elder-Keep v. Aksamit*, 460 F.3d 979, 984 (8th Cir. 2006) (quoting *Broadway v. Norris*, 193 F.3d 987, 989 (8th Cir. 1999)). Hence, the Eighth Circuit Court of Appeals has "discouraged the use of a self-styled motion to reconsider," but, when filed, the court "typically construe[s] such a filing as a Rule 59(e) motion to alter or amend the judgment or as a Rule 60(b) motion for relief from judgment." *Ackerland v. United States*, 633 F.3d 698, 701 (8th Cir. 2011). "[T]he Eighth Circuit has stated that Rule 59(e) and Rule 60(b)(2) are 'analyzed identically.'" *United States v. Metro. St. Louis Sewer Dist.*, 440 F.3d 930, 933 n.3 (8th Cir. 2006).

Motions to reconsider provide "for extraordinary relief which may be granted only upon an adequate showing of exceptional circumstances." *Jones v. Swanson*, 512 F.3d 1045, 1048 (8th Cir. 2008). "Motions for reconsideration serve a limited

function: to correct manifest errors of law or fact or to present newly discovered evidence.” [*Arnold v. ADT Sec. Servs., Inc.*, 627 F.3d 716, 721 \(8th Cir. 2010\)](#) (internal quotation and citation omitted).

Here, Plaintiff simply reargues the merits of her claims and asserts that the court reached erroneous conclusions when applying the law to the facts. Plaintiff has failed to show exceptional circumstances, manifest errors of law or fact, or the existence of newly discovered evidence. Because Plaintiff’s arguments are not a proper basis for a motion for reconsideration, Plaintiff’s motion seeking reconsideration or alteration of the court’s previous memorandum and order and judgment shall be denied.

IT IS ORDERED that Plaintiff’s motion for reconsideration (Filing [26](#)) is denied.

DATED this 15th day of June, 2016.

BY THE COURT:
s/ *Richard G. Kopf*
Senior United States District Judge